

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 46 OF 2004

Shri Mahesh Sharma,
Central Jail Aguada,
Sinqerim.

... Petitioner

versus

1. State of Goa
through the Public Prosecutor.

2. Superintendent,
Central Jail, Aguada.

3. Cashier,
Shri Yeshwant Gawas,
Central Jail, Aguada.

... Respondents

Mr. Rohit Bras De Sa, Advocate under Legal Aid Scheme.

Ms. Winnie Coutinho, Additional Public Prosecutor for the Respondents.

**CORAM: A. P. LAVANDE &
N. A. BRITTO, JJ.**

DATE : 15TH FEBRUARY, 2005.

ORAL JUDGMENT(PER N.A.BRITTO, J.)

Heard Mr. Rohit Bras De Sa, the learned Counsel under Legal Aid Scheme on behalf of the Petitioner and Ms. Winnie Coutinho, the learned Additional Public Prosecutor on behalf of the Respondents.

2. The Petitioner who was convicted and sentenced has now been released from prison. The petition appears to have been filed under a misconception that the Demand Drafts of Rs.10,000/- and Rs.9,700/- were not sent to one Lokesh Sharma, as desired by the petitioner, by Yeshwant Gawas from Central Jail, Aguada. However, the documents produced and the Affidavit filed in support thereof by the Jail Superintendent show that the said Demand Drafts were not received by the person to whom they were sent through Postal Authorities and subsequently the said two Drafts were cancelled by State Bank of India at the instance of the petitioner and the amount due was credited to his personal cash account with the Jail Authorities. This is evident from the letters, copies of which have been furnished by the Jail Authorities, addressed by the petitioner dated 12-2-2004 to the Post Master General, Head Post Office, Panaji, Goa. In view of the above, nothing survives in this petition and otherwise also it has been rightly submitted by Mr. De Sa, the learned Counsel that nothing survives in this petition. Accordingly, the same is hereby dismissed.

A. P. LAVANDE, J.

N. A. BRITTO, J.

RD.